

In the United States Court of Federal Claims

No.03-1833V

Filed: September 24, 2013

Not to be Published

THERESE CASSIDY, parent of
MICHAEL ANTHONY CASSIDY,
a minor,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

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Autism; Attorneys' Fees and Costs

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On September 24, 2013, the parties filed a Stipulation of Facts Concerning Attorneys' Fees and Costs. After informal discussions, the parties have agreed on \$4,255.50 in attorneys' fees and costs. In lieu of filing a Vaccine General Order #9 statement, petitioner's counsel represents that he will reimburse petitioner any costs personally incurred by petitioner that are compensable under § 15 (e)(1).

The request for attorneys' fees and costs is granted. Petitioner is awarded reasonable attorneys' fees and costs pursuant to §§ 15(b) and (e)(1), as I find that the petition was brought in good faith and upon a reasonable basis, and the amounts requested are reasonable and appropriate.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to redact medical or other information, that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will redact such material from public access.

Pursuant to §15(e), I hereby award a lump sum of \$4,255.50² to be paid in the form of a check payable jointly to the petitioner and petitioner's counsel, Simpson, Boyd & Powers.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the Clerk of the court shall enter judgment in accordance herewith.³

IT IS SO ORDERED.

s/Denise K. Vowell
Denise K. Vowell
Chief Special Master

² This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, § 15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See *generally Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir.1991).

³ Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. See Vaccine Rule 11(a).